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8 **Attorneys for Defendant**  
9 **CAPITAL ONE BANK (USA), N.A.**

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 **YVONNE S. YBARRA,**

13 **Plaintiff,**

14 **v.**

15 **CAPITAL ONE BANK USA, N.A. and**  
16 **TRANSUNION, LLC;**

17 **Defendants.**

Case No. 2:18-cv-01578-KJD-VCF

*Assigned to Judge Kent J. Dawson;  
Referred to Magistrate Judge Cam  
Ferenbach*

18 **STIPULATION TO EXTEND**  
19 **TIME TO RESPOND TO**  
20 **COMPLAINT**

**(THIRD REQUEST)**

21 *[[Proposed] Order lodged  
concurrently herewith]*

22 **Complaint Filed: August 21, 2018**  
23 **Trial Date: TBA**

1 Plaintiff Yvonne Ybarra ("Plaintiff"), by and through her counsel of record,  
2 and Defendant Capital One Bank (USA), N.A. ("Capital One"), by and through its  
3 counsel of record (collectively, the "Parties"), hereby submit this third stipulation to  
4 extend Capital One's time to file a responsive pleading to Plaintiff's Complaint by an  
5 additional fourteen (14) days, as follows:

6 **WHEREAS:**

7 1. Plaintiff filed the Complaint in this matter on August 21, 2018;

8 2. Plaintiff has filed a proof of service indicating that Capital One was  
9 personally served on September 10, 2018;

10 3. Although Capital One does not concede that service was proper, it did  
11 not contest service, but rather stipulated with Plaintiff for a brief extension of time for  
12 Capital One to file its responsive pleading to the Complaint, such that the responsive  
13 pleading would be due by October 24, 2018, to which the Court agreed;

14 4. The Parties then began discussing (a) whether this matter can be resolved  
15 without need for additional litigation and (b), if not, whether the Parties can agree to  
16 avoid a motion to dismiss by either a first amended complaint or stipulating to dismiss  
17 a cause of action and, in connection therewith, the Parties stipulated and the Court  
18 agreed to a second extension, such that Capital One's responsive pleading would be  
19 due by November 14, 2018;

20 5. The current status of the matter is that (1) Capital One has investigated  
21 the claims and believes it is not a proper party to the litigation, (2) Plaintiff is  
22 reviewing Capital One's position that it is not the proper party and determining  
23 whether to dismiss Capital One, and (3) in response to efforts to meet and confer  
24 regarding the claims, Plaintiff has additionally agreed to withdraw her defamation  
25 claim against Capital One;

26 6. In light of the foregoing, a third extension for Capital One to file a  
27 responsive pleading would benefit both Parties and the Court, because it will allow  
28 the Parties to continue to gather additional facts and information while continuing to

1 devote their resources to exploring the potential for early resolution of this matter  
2 before incurring further fees and costs, and it will conserve judicial resources, as the  
3 Parties will be able to avoid a motion to dismiss;

4 7. The Parties agree the request is made in good faith and not for the  
5 purposes of delay;

6 8. Capital One and Plaintiff have agreed to extend Capital One's deadline  
7 to respond to Plaintiff's Complaint by an additional fourteen (14) days from  
8 November 14, 2018 to November 28, 2018.

9  
10 **NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

11 Capital One will file its responsive pleading to Plaintiff's Complaint on or  
12 before November 28, 2018.

13  
14 **IT IS SO STIPULATED.**

15 DATED: November 14, 2018

**COGBURN LAW OFFICES**

17  
18 By: /s/ Erik W. Fox.  
19 ERIK W. FOX  
Attorneys for Plaintiff  
YVONNE YBARRA

20  
21 DATED: November 14, 2018

**FERNALD LAW GROUP LLP**

22  
23 By: /s/ Brandon C. Fernald.  
24 BRANDON C. FERNALD  
Attorneys for Defendant  
25 CAPITAL ONE BANK (USA), N.A.  
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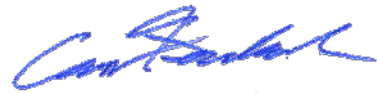
1 **[PROPOSED] ORDER**

2  
3 Having considered the foregoing stipulation of the parties and finding good  
4 cause to extend the deadline for Capital One to respond to the operative Complaint by  
5 an additional fourteen (14) days, the Court hereby orders as follows:

6 The deadline for Capital One to respond to the Complaint is extended from  
7 November 14, 2018 to November 28, 2018.

8 **IT IS SO ORDERED.**

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10 Date: 11-16-2018



11 United States Magistrate Judge  
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**CERTIFICATE OF SERVICE**

I, Brandon C. Fernald, declare that I am over the age of eighteen years and not a party to this action. I am employed in Clark County, and my business address is: Fernald Law Group LLP, 6236 Laredo Street, Las Vegas, Nevada 89146.

On November 15, 2018, I hereby certify that a true and complete copy of the foregoing documents:

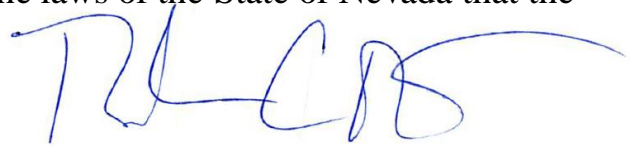
**1. STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT (THIRD REQUEST)**

have been served by forwarding said copy on this the 15th day of November 2018 by transmitting via the Court's ECF System the documents listed above to:

Erik- Anthony W. Fox, Esq. Jamie S. Cogburn, Esq. <b>COGBURN LAW OFFICES</b> 2580 St. Rose Parkway, Suite 330 Henderson, NV 89074 Email: <a href="mailto:efox@cogburnlaw.com">efox@cogburnlaw.com</a> <a href="mailto:jsc@cogburnlaw.com">jsc@cogburnlaw.com</a> <i>Attorneys for Plaintiff Yvonne S. Ybarra</i>	Jason Revzin, Esq. <b>LEWIS BRISBOIS BISGAARD &amp; SMITH LLP</b> 6385 S. Rainbow Blvd., Suite 600 Las Vegas, NV 89118 Email: <a href="mailto:jason.revzin@lewisbrisbois.com">jason.revzin@lewisbrisbois.com</a> <i>Attorneys for Defendant Transunion LLC</i>
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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: November 15, 2018



Brandon C. Fernald